

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JASON DAVID MONACO,

Plaintiff,

v.

JOHN DOE (1), *et al.*,

Defendants.

:

Case No. 2:22-cv-2888

Judge Sarah D. Morrison

Magistrate Judge Elizabeth A.

Preston Deavers

:

**ORDER**

Plaintiff Jason David Monaco is an Ohio inmate proceeding without assistance of counsel. After performing an initial screen of the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, the Magistrate Judge issued a Report and Recommendation recommending that the Court permit Mr. Monaco to proceed on his Eighth Amendment claims and one of his civil conspiracy claims, and that the Court dismiss all other claims set forth in the Complaint for failure to state a claim upon which relief may be granted. (R&R, ECF No. 5.)

If a party objects within the allotted time to a report and recommendation, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

No objections have been filed and the time for doing so has passed. The Court thus **ADOPTS** and **AFFIRMS** the Magistrate Judge's Report and Recommendation (ECF No. 5). Accordingly:

- Mr. Monaco may **PROCEED** on his Eighth Amendment claims, as detailed in Section IV(B) of the R&R, against John Doe (1), John Doe (2), John Doe (3), John Doe (4), John Doe (6), Jane Doe (1), Jane Doe (2), and Jane Doe (3), in their individual capacities.
- Mr. Monaco may **PROCEED** on his first conspiracy claim, as detailed in Section IV(C) of the R&R, against John Doe (1), John Doe (2), John Doe (3), and John Doe (5), in their individual capacities.
- Mr. Monaco's claims against all Defendants in their official capacities are **DISMISSED** for failure to state a claim.
- Mr. Monaco's remaining claims—including the supervisory or vicarious liability claim against John Doe (5); the failure to investigate claim(s) against John Doe (5), Kelly Riehle, the Warden, and the Deputy Warden (DWO); the conditions of confinement claim against the DWO; and any remaining claims on behalf of other inmates; any claims based on verbal harassment, loss of personal property, or the Free Exercise Clause—are also **DISMISSED**.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison  
**SARAH D. MORRISON**  
**UNITED STATES DISTRICT JUDGE**